

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUIS ZELAYA, et al.,	)	
	)	CASE NO. C13-0004-RSL
Plaintiffs,	)	
	)	
v.	)	ORDER DENYING MOTION FOR
	)	APPOINTMENT OF COUNSEL
TULALIP TRIBAL POLICE	)	
DEPARTMENT, et al.,	)	
	)	
Defendants.	)	

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Plaintiffs Luis Zelaya, Amy Zelaya, and Jose Espinoza, proceeding *pro se* in this civil matter, submitted a motion for appointment of counsel. (Dkt. 3.) Having reviewed plaintiffs' motion, along with the remainder of the record, the Court finds and ORDERS as follows:

(1) Pursuant to 28 U.S.C. § 1915(e)(1), this Court has the discretion to appoint counsel for indigent litigants proceeding in forma pauperis (IFP). *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995). The Court may appoint

01 counsel only on a showing of “exceptional circumstances.” *Id.*; *Wilborn v. Escalderon*, 789  
02 F.2d 1328, 1331 (9th Cir. 1986). “A finding of exceptional circumstances requires an  
03 evaluation of both the likelihood of success on the merits and the ability of the plaintiff to  
04 articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Wilborn*,  
05 789 F.2d at 1331. These factors must be viewed together before reaching a decision on a  
06 request for counsel under § 1915(e)(1). *Id.*

07 In this case, plaintiffs do not proceed IFP and do not provide any basis for a  
08 determination that they are unable to afford counsel. (*See* Dkt. 3.) There is no basis for  
09 referral to the Screening Committee of this Court’s pro bono panel given that plaintiffs do not  
10 allege any violations of their civil rights; plaintiffs raise allegations of personal injury and  
11 property damage relating to a motorcycle accident. (*See* Dkts. 1 & 3.) Finally, the Court  
12 finds neither a likelihood of success on the merits, or a showing that, in light of the complexity  
13 of the legal issues involved, plaintiffs would be unable to articulate their claims *pro se*.  
14 Accordingly, plaintiffs’ motion for appointment of counsel (Dkt. 3) is DENIED.

15 (2) The Clerk shall send a copy of this Order to the parties and to the Honorable  
16 Robert S. Lasnik.

17 DATED this 18th day of March, 2013.

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20 Mary Alice Theiler  
21 United States Magistrate Judge  
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